

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JUNE 16, 2003

AMENDED IN SENATE JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 390

Introduced by Assembly Member Montanez

February 14, 2003

An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 390, as amended, Montanez. Health facilities: backup generators.

(1) Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources and, subject to the powers and duties of the State Air Resources Board, requires that districts adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction. Existing law authorizes each district to establish a permit system that requires, except as specified, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance

that may cause the issuance of air contaminants, the person obtain a permit from the air pollution control officer of the district.

Under existing law, the State Department of Health Services regulates health facilities.

This bill would require a health facility, as defined, to test its diesel-powered backup generator as prescribed, and would require a diesel backup generator to be started once per week when it is not being tested. This bill would require a health facility to submit this data to the department upon the department's request.

This bill would repeal those provisions as of January 1, 2009.

Because violation of the requirements of this bill would be a crime under provisions of existing law, this bill would impose a state-mandated local program by changing the definition of a crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41514.1 is added to the Health and
2 Safety Code, to read:

3 (a) A health facility shall use the most recent standard set by the
4 Joint Commission on the Accreditation of Healthcare
5 Organizations for testing diesel backup generators. During each
6 week that a diesel backup generator is not tested, the generator
7 shall be started at least once, with or without load, for a period of
8 time that allows the coolant temperature to stabilize.

9 (b) A health facility shall submit all data collected under this
10 section to the State Department of Health Services when requested
11 by the department.

12 (c) This section shall remain in effect only until January 1,
13 2009, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, 2009, deletes or extends that date.

15 (d) For the purposes of this section, "health facility" has the
16 same meaning as Section 1250, but includes only those facilities

1 described in subdivisions (a), (b), (c), (d), (f), (g), or (k) of that
2 section.

3 *(e) Nothing in this section affects the authority of the State Air*
4 *Resources Board or an air quality management district or air*
5 *pollution control district to regulate diesel backup generators*
6 *owned by a health facility.*

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

